

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

SHARON MURPHY,

Plaintiff,

v.

Civ. No. 23-139 LF/GJF

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER comes before the Court *sua sponte*. Plaintiff initiated this action on February 14, 2023. ECF 1. The docket reflects that the Clerk's Office issued a summons as to Defendant United States the following day. The docket contains no subsequent entry of any kind, however, especially with respect to proof that Defendant United States has been served.

Federal Rule of Civil Procedure 4(m) requires Plaintiff to serve Defendant within ninety days of filing the complaint. In addition, Federal Rule of Civil Procedure 41(b) authorizes the Court to dismiss an action *sua sponte* for failure to prosecute. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); *see also* D.N.M. LR-Civ. 41.1 ("A civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward."). More than ninety days have passed since Plaintiff filed this case or took any step to move it forward.

IT IS THEREFORE ORDERED that **on or before May 31, 2023**, Plaintiff must show cause in writing why this case should not be dismissed without prejudice for failure to timely serve Defendant United States and failure to prosecute.


GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE